



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 24, 1996

Mr. Terrence S. Welch
Vial, Hamilton, Koch, & Knox, L.L.P.
1717 Main Street, Suite 4400
Dallas, Texas 75201

OR96-1926

Dear Mr. Welch:

You seek reconsideration of Open Records Letter No. 96-1358 (1996), in which this office determined that the Texas Open Records Act, Government Code chapter 552, required the City of Flower Mound (the "city") to make certain information available to the public. We have assigned your request for reconsideration ID#101608.

The city, which you represent, received a request for information which you sought to withhold from disclosure under section 552.103(a) of the Government Code. We concluded in Open Records Letter No. 96-1358 (1996) that section 552.103(a) did not protect the requested information from public disclosure.

We based our ruling in Open Records Letter No. 96-1358 (1996) on the fact that the opposing parties had obtained copies of the requested reports. We stated that in situations in which the opposing parties in the litigation have seen or had access to the requested information, there is no justification for withholding that information from the requestor pursuant to section 552.103(a). Open Records Decision Nos. 349 (1982), 320 (1982). We therefore concluded that the city may not withhold the requested information based on section 552.103. We have examined your request for reconsideration, but decline to reconsider our decision in Open Records Letter No. 96-1358 (1996).

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue

under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Don Ballard". The signature is written in a cursive, slightly slanted style.

Don Ballard
Assistant Attorney General
Open Records Division

JDB/SAB/ch

Ref.: ID#101608

Enclosures: Submitted documents

cc.: Ms. Dawn Cobb
Managing Editor
Lewisville News
131 West Main Street
Lewisville, Texas 75067
(w/o enclosures)